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Attorneys for Plaintiffs John F. Hutchens and Baby S.A.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

JOHN F. HUTCHENS, et al.,

Plaintiffs,

v.

COUNTY OF ALAMEDA, et al.,

Defendants.

No. C 06-6870 SBA

JOHN F. HUTCHENS, et al.,

Plaintiffs,

v.

ALAMEDA COUNTY MEDICAL
CENTER, et al.,

Defendants.

No. C 07-5600 MJJ

**ADMINISTRATIVE MOTION
TO CONSIDER CASES
RELATED**

[Local Rules 3-12 & 7-11]

Plaintiffs John F. Hutchens and Baby S.A. hereby move the court pursuant to Civil L.R. 3-12 to consider the two above-captioned cases to be related for the reasons set forth below.

Both cases concern the same plaintiffs, that is John F. Hutchens, Zamora Moton and Baby S.A. and arise out of the same events described in the complaints that have been filed in the respective cases.

In summary both cases arise under Title 42 U.S.C. § 1983 and pendant state causes of action based on plaintiffs' allegations that their Fourth and Fourteenth Amendment rights were violated when Baby S.A. was wrongfully seized from his parents' custody, without a court order and in the absence of imminent danger, shortly after birth in the Alameda County Medical Center (Highland Hospital) by Alameda County Social Services emergency response worker Rudolpho Hernandez, in conjunction with Alameda County Medical Center, and that there was a pattern and practice by Alameda County to seize children from their parents' custody without a warrant and in the absence of imminent danger of physical abuse.

Assignment to the same judge would likely effect a saving of judicial effort and other economies because both cases involve common questions of law and fact. Depositions, written discovery, settlement efforts, including allocation of damages to each party, court hearings, and the trial itself can be consolidated into a single proceedings.

It is respectfully requested that the court find these to cases to be related and order them consolidated.

Respectfully submitted

/s/ Frances S. Kaminer

Frances S Kaminer

One of the Attorneys for Plaintiffs Hutchens and Baby S.A.

DECLARATION OF COUNSEL

I, Frances S. Kaminer, declare,

1. I am an attorney at law duly admitted to practice in the state of California and before the U.S. District Court, Northern District of California and am an attorney of

record for the plaintiffs John F. Hutchens and Baby S.A. named herein above in both actions.

2. On November 5, 2007, a Notice of Related Action was filed in Case No. 07-5600 and a chambers copy of said Notice was presented in both Case Nos. 06-6870 SBA and 07-5600 BZ¹.

3. A stipulation for an order deeming the above-named cases to be related cannot be entered into between the parties because defendants Rudolpho Hernandez and County of Alameda oppose a consolidation of the two cases.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of January, 2008 in Berkeley, California.

/S/ Frances S. Kaminer

Frances S. Kaminer

One of the Attorneys for Plaintiffs John F.
Hutchens and Baby S.A.

¹Defendants Alameda County Medical Center declined to proceed before Magistrate Bernard Zimmerman and the case has since be re-assigned to Judge Martin J. Jenkins.

Proof of Service by Electronic Mail

The undersigned is at least 18 years of age and not a party to this action. I am a resident of Alameda County, California and my business address is 2039 Shattuck Avenue, Suite 202, Berkeley, CA 94704-1116. I served the foregoing

**ADMINISTRATIVE MOTION TO CONSIDER RELATED CASES
and
(Proposed) ORDER**

on January 24, 2008 by transmitting copies by electronic mail pursuant FRCivP 5(d) and Civil L.R. 5-5 to the attorneys of record for all parties at the following electronic mail addresses known to e-mail addresses for the parties referenced below:

Diane C. Graydon, Esq. Office of County Counsel County of Alameda 1221 Oak Street Oakland, CA 94612 [Attorney for Defendants Rudolfo Hernandez and County of Alameda]]	diane.graydon@acgov.org
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David Beauvais Attorney at Law 1904 Franklin Street Suite 800 Oakland, CA 94612 [Attorney for Plaintiff Zamora Moton]	davebeau@pacbell.net
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Greg J. Rockwell, Esq. Jill P. Sazama, Esq. BOORNAZIAN, JENSEN & GARTHE 555 12th Street, Ste. 1800 Oakland, CA 94604-2925 [Attorneys for Defendant Alameda County Medical Center]	grockwell@bjg.com jsazama@bjg.com
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I declare under penalty of perjury that the foregoing is true and correct.

Dated January 24, 2008

/s/ Frances S. Kaminer

Frances S. Kaminer